

IN THE UNITED STATES OF AMERICA DISTRICT COURT
THE MIDDLE DISTRICT COURT OF NORTH CAROLINA

Case No. 13 cv 595

Thomas A. Clayton, and
Gail Clayton

Plaintiffs,

V.

NORTH CAROLINA ADMINISTRATIVE
OFFICE OF THE COURT, and
BRANCH BANKING & TRUST
BB & T CORPORATION and
ROGERS, TOWNSEND
& THOMAS, PC

Defendants,



AMENDED COMPLAINT
INJUNCTION & DEMAND
FOR JURY TRIAL

JURISDICTION AND VENUE

Plaintiffs are citizens of North Carolina and residents of Alamance County, located in this regional federal middle district in Greensboro, North Carolina. Defendants BB&T Bank is supervised under federal financial agencies, and including during the time Cease and Desist Orders and Consent Orders. Defendant Rogers, Townsend, & Thomas, PC is a South Carolina business operating as a legal service and debt buyer and/or Collector. Rogers, Townsend, Thomas PC also initiates home foreclosures and evictions by mailings from its South Carolina business. North Carolina Administer Office of the Court has been making rules compelling replacement of the United States Constitution and the North Carolina Constitution;

Non judicial proceedings and corrupt procedures are De Facto; nevertheless, Plaintiffs have been threatened at rifle point by unlawful local officials (cops) threatening Plaintiff's life. Defendants have instigated dangerous circumstances through abuse of Authority actions under the color of law.

This is a public interest and concerns public policy that also affects Interstate Commerce through banking, economics and population growth in other states not only North Carolina.

The subject matter is antitrust laws, banking laws, and federal violations against consumers and the Constitution of the United States of America; the amount in controversy has a county tax value of \$430,000.00; the Registry provides a chain of title in Plaintiffs name with the only clear ownership. This federal district court must accept venue and jurisdiction because Plaintiffs are not responsible for Defendant's behavior since Defendants had total control over their own actions.

I VIOLATIONS OF 15 U.S.C. 1692

Plaintiffs, believe Defendants are attorneys previously representing an BB&T Bank foreclosure and eviction of Plaintiff's primary and only home. Defendants pursuant to N.C.G.S. 45-21.16, a non judicial foreclosure acted without standing and without cause to create a false case against Plaintiffs with the motive of Equity Stripping. Defendants failure to provide Plaintiffs upon their demand a Serving and Pooling Agreement, as debt collectors and a real estate business have a conflict of interest.

Plaintiffs demanded and Defendants have failed and refused to provide pursuant to 15 U.S.C. 1692 (g) (b), a certified audit of the alleged loan at issue in the non judicial foreclosure. Plaintiff's case has never been heard.

Defendants alleged default payment contradicts Plaintiffs evidence and was without notice and without serving either Plaintiffs. Defendants failed to notice Plaintiffs of hearings and eviction hearings. Defendants are without standing, as the Alamance County Register of Deeds shows no authority for Defendants to act against Plaintiffs.

Defendant's failure to comply with federal mandate 15 U.S.C. 1692 is also a violation of Plaintiff's Rights under Due Process of law. This failure is against public policy and the people's best interest. Defendants schemes to deprive Plaintiff's of their United States Constitutional homestead property by violating the North Carolina Constitution Article I, Sections. 19,25,28. Plaintiffs have lived in their home for over 21 years, and paid no less than \$494,000.00 on an alleged loan of \$257,000.00. Including no less than \$68,000.00 in property taxes, and no less than \$28,000.00 in homeowners insurance, over 21 years of residing in their home at 416 Benjamin court Burlington, North Carolina.

Plaintiffs demand Discovery of the Serving and Pooling Agreement, a certified audit of this alleged loan and a reinstatement and payoff amount of this alleged loan, including all credits posted.

North Carolina Administer Office of the Court has violated this federal mandate, and by failing to act lawfully has caused harm to plaintiffs and others.

II VIOLATION OF 15 U.S.C. 2605

Defendant's actions of foreclosure filing and affidavits have named a different lender and holder as contradicting to their own paper documents filed in the non judicial foreclosure in a special proceeding. Defendant's violated 15 U.S.C. by failing to notice Plaintiffs of any changes in alleged loan; Defendant's failure to show standing as proper Party, and failed to show authority of any other party to act or otherwise against Plaintiffs or Plaintiff's property. N.C.G.S. 45-21.16 is without an enacting clause. In state v. Patterson (1887) is null and void.

III VIOLATIONS OF ANTITRUST LAWS

Defendant's actions combined with other certain parties HAVE caused manipulation in court procedures, which stacked the deck. Defendants violated stat. I & 2 and 6 of the Clayton Act; These non judicial proceedings were preemptive unconstitutional and secretive plots of theft for illegal profits.

IV VIOLATIONS OF THE FAIR CREDIT REPORTING ACT

Defendants have willfully threaten and harassed Thomas & Gail Clayton without cause And without legal authority concerning the issue of homeowner, while Defendants know or should have known of the mortgage fraud and other financial agencies investigations and the signing of Consent Orders and Cease and Desist orders concerning MERS and

others. Defendants are held to a standard or a higher standard of the legal profession to perform legal and accurate services related to their duties.

V
VIOLATION OF THE FAIR DEBT COLLECTION ACT

Plaintiffs allege that Defendants through unlawful procedures violated Plaintiffs rights by incorporating fraudulently documents, which Defendants fail to show any authority granting to pursue any debt against the Plaintiffs or their home. Defendants have failed to verify information and facts before acting. Defendants have threatened Plaintiff's life without any legal right or authority.

VI
VIOLATION OF THE THIRTEEN AMENDMENTS

Defendants through unlawful court and non judicial procedures designed as a conduit providing Defendants with a landslide profit from Plaintiffs labor, earnings, and wages secured by state actions involving antitrust violations against people whom had no knowledge, no input or power, and was without Plaintiffs (or peoples') consent. The state has a colossal conflict of interest, which recent history has proved makes it impossible for justice to be served. Defendants deprived Plaintiffs of legal court procedures, while Defendants fabricated information adverse to Plaintiff's cause. Plaintiffs were treated as like they were less than human by Defendants.

WHEREFORE PLAINTIFFS pray to this federal district court to grant Plaintiffs a permanent injunction to stop Rogers, Townsend, & Thomas PC and any other party without cause or standing to foreclose or falsely act against Plaintiffs. Furthermore, Plaintiffs pray upon federal court to compel federal mandates for a certified audit as to Defendant's alleged loan, all and any other positive judgment, including granting a trial by jury.

I preserved the right to amend this complaint.

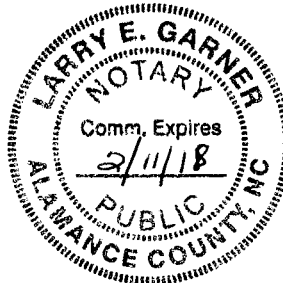
With reservations of all my rights and liberties under the law of God and the Law of the land.

This the day 27nd of August in the year 2013.

Thomas Clayton
Thomas Clayton

Gail Clayton
Gail Clayton
416 Benjamin Court
Burlington, NC 27215
336-260-9162

Larry E. Garner
Notary Public

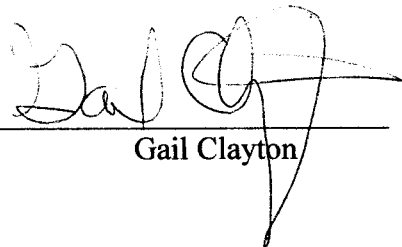


I hereby will place a copy of this AMENDED COMPLAINT AND SUMMONS IN THE UNITED STATES POSTAL SERVICES or FAX or mail by United Parcel Services or other services on or before August 30, 2013 to the following:

Rogers, Townsend, & Thomas, PC.
220 Executive Center Drive
Columbia, SC 29210

BB& T Bank
220 Second Street
3RD FLOOR
Winston Salem, North Carolina

North Carolina Administrative office of the Court
901 Corporate Center Drive
Raleigh, North Carolina 7607 -5045



Gail Clayton